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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,094

12/20/2001

Oded Ben-Arie

BAO-10002/03

9695

25006

7590

05/17/2004

GIFFORD, KRASS, GROH, SPRINKLE
ANDERSON & CITKOWSKI, PC
280 N OLD WOODARD AVE
SUITE 400
BIRMINGHAM, MI 48009

EXAMINER

STONE, JENNIFER A

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,094	Applicant(s) BEN-ARIE, ODED	
	Examiner Jennifer A Stone	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoolman (U.S. 5,281,957) in view of Kubik (U.S. 4,753,514) and Lewis (U.S. 4,028,725).

For claim 1, Schoolman discloses a system for providing a pilot with an Electronic Flight Instrument System (EFIS) data output port with a display of primary flight instruments (col 6, Ins 59-65; col 7, Ins 4-8 and 56-65) that can be viewed while the pilot's eyes are focused at infinity, or, the unlimited extent of an individual's line-of-sight, such as through the aircraft windshield (col 5, Ins 59-68). A computer is connected to the data output port and output channels (col 6, Ins 58-60; col 7, Ins 4-8 Fig. 10, items 71, 81, 82, 93, 94, 25, and 26). The display panel is hinge-mounted on a pair of eyeglasses in order to receive the output of a computer (col 4, Ins 68; col 5 Ins 1-2 and 30; Fig. 3). Furthermore, Schoolman discloses the computer being operative to process the information from the electronic flight instrument system outlet port onto a display, focused at infinity (col 5, Ins 54-68). This information will be displayed directly to the pilot on the eyeglass head mounted display (col 6, Ins 40-45; col 7, Ins 53-63).

Schoolman does not specifically mention that the computer processes all of the principal flight instruments in order to produce a single display. Lewis, however, shows an entire cockpit instrument panel, displayed on a helmet, directly in front of a pilot's eyes (col 8, lns 17-19; Fig. 9B). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include the entire cockpit instrument display panel onto a single display viewed by a pilot such as on a pair of eyeglasses. The motivation to combine the entire instrument display panel onto a single display panel will enhance the safety of the pilot and the passengers by the pilot being able to view all the instrument parameters at a single glance and, as Lewis points out, to conserve space in the cockpit area (col 9, lns 24-30).

Even though Schoolman discloses the display panel being hinge-mounted on a pair of eyeglasses, it is not clear whether the hinge-mounted device serves the same purpose as the clip-on device. It is apparent that the display screen, disclosed by Kubik, is clip-mounted to the frame of a pair of eyeglasses (col 3, lns 1-6; Fig. 1, items 18 and 19). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a clip-on device in lieu of the hinge-mounted device so that the eyeglass user could choose between attaching or detaching the displayed image. This option would benefit a user that requires prescription glasses; for the user would have the option of detaching the displayed image and wearing the glasses for an indefinite amount of time.

For claim 2, as applied to claim 1 above, Lewis shows the display being in the form of a primary flight display (Fig 9B). It would have been obvious to include the exact form of the primary flight display on the display of the eyeglasses so that the pilot has the most realistic and familiar perspective of the instrument orientation of the cockpit, displayed on the pair of eyeglasses. If the pilot has the most familiar perspective of the cockpit instrument arrangement, right before their eyes, they can quickly respond to potential problems, thereby enhancing the safety of the plane while in flight.

For claim 3, as applied to claim 1 above, Schoolman discloses a liquid crystal display mounted within the eyeglasses (col 3, lns 1-6).

Response to Arguments

3. Applicant's arguments filed March 12, 2004 have been fully considered but they are not persuasive.

The applicant argues as follows:

The Electronic Flight Instrument System (EFIS) data is displayed to the operator, not the entire panel. It is well known that instrument panels in cockpits contain an EFIS. The prior art cited (Schoolman) contains the instrumental panel; therefore, the EFIS panel is included in the instrumental panel. Moreover, the EFIS, disclosed by Schoolman, contains a computer with output ports to the EFIS display. See claim 1.

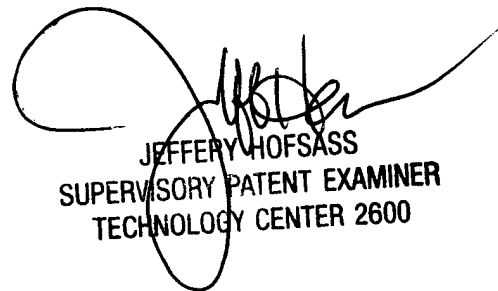
Art Unit: 2636

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Jennifer Stone
March 22, 2004


JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600